



Countywide Criminal Justice Coordination Committee

County of Los Angeles



Supervisor Zev Yaroslavsky, Chairman
Sheriff Leroy Baca, Vice Chair

Mark Delgado, Executive Director

November 20, 2007

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

LOS ANGELES COUNTY'S UTILIZATION OF PROPOSITION 69 FUNDS FOR DNA SAMPLE COLLECTION AND PROCESSING (ALL DISTRICTS AFFECTED) (4 VOTES)

IT IS RECOMMENDED THAT YOUR BOARD:

1. Approve the Countywide Criminal Justice Coordination Committee's proposal for the use of Proposition 69 funds in Los Angeles County.
2. Instruct and authorize the Auditor-Controller to implement a system of disbursing funds according to this proposal.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Proposition 69 – the DNA Fingerprint, Unsolved Crime and Innocence Protection Act – significantly expanded the legal provisions for the collection and use of criminal offender DNA samples. By increasing DNA data banking and promoting the analysis of DNA evidence, the law has improved law enforcement's ability to solve crimes.

Proposition 69 allocates \$1.00 of every \$10.00 of penalty assessments paid on traffic and criminal fines to fund the collection and processing of DNA samples. A specified percentage of those funds remain in Los Angeles County; the remainder is transmitted to the state on a quarterly basis. Under the initiative, the County retained 30% of the funds collected in 2005 and 2006. In 2007, the County retains 50% of the funds collected. In 2008 and beyond, the County retains 75% of the funds collected.

The County has established a *Local* DNA Identification Fund (*Local* Fund) that receives the collections that remain locally after the required transfers to the State have been made. The amount in the *Local* Fund earns interest and is available to reimburse the eligible costs of local agencies.

In accordance with Proposition 69, the Los Angeles County Board of Supervisors is the body which authorizes the disbursement of funds remaining in Los Angeles County. Pursuant to Government Code Section 76104.6(b)(3)), funds must be used for expenses related to DNA sample collection; verification of offender/arrestee identity and qualifying status; or DNA evidence analysis, tracking and storage.

On June 29, 2005, the Board authorized the use of Proposition 69 funds to reimburse law enforcement agencies for sample collections at a rate of \$30 per sample – the rate currently used by the State Department of Justice.

With a larger percentage of funds remaining locally, the County can now fund eligible expenses beyond sample collection. The attached proposal was developed by the Proposition 69 Implementation Task Force and approved by the Countywide Criminal Justice Coordination Committee at its October 17, 2007 meeting for submission to the Board.

The Board's approval of this proposal would authorize the following uses of Proposition 69 funds:

1. Continued reimbursement in an estimated amount of \$1.3 million to \$1.8 million per year to local law enforcement agencies and the Probation Department for DNA sample collection at a rate of \$30 per sample;
2. Reimbursement to the Information Systems Advisory Body (ISAB) for Internal Services Department (ISD) maintenance costs in an amount not to exceed \$250,000 per year for the DNA Offender Tracking System (DOTS) through the end of Fiscal Year 2008-09;
3. Reimbursement with the remaining Proposition 69 funds, estimated at \$2 million to \$2.5 million per year, to the Los Angeles County Sheriff's Department and Los Angeles Police Department crime laboratories in an equally divided amount for expenses associated with the analysis of DNA evidence. This allocation of funding is consistent with the collaborative partnership between the County and City of Los Angeles at the new regional crime lab facility.

Implementation of Strategic Plan Goals

This action supports Strategic Plan Goal 8 by promoting the public safety and security of Los Angeles County residents. This action also supports Strategic Plan Goal 4: Fiscal Responsibility by increasing resources available to the County.

FISCAL IMPACT/FINANCING

The net increase to the County from the funding provisions in Proposition 69 will vary according to the amount of criminal fines and penalties collected in Los Angeles County and the number of DNA samples collected by local law enforcement.

The Auditor-Controller projects that the available Proposition 69 funding for 2007-08 will be approximately \$4.5 million. Reimbursement for sample collections, which average 5,000 samples per month, will be approximately \$1.8 million. Therefore, the net increase to the County will be approximately \$2.7 million. Los Angeles County's ISAB would receive \$250,000 to pay for ISD maintenance fees for DOTS. The remainder would be divided equally between the Sheriff's and Los Angeles Police Department crime laboratories.

The impact beyond Fiscal Year 2007-08 will be similar but is subject to an additional variable. Beginning in 2009, Proposition 69 authorizes law enforcement to collect DNA samples from all felony arrestees. (Currently, not all felony offenders provide samples). The amount reimbursed for sample collections, therefore, may increase. However, Proposition 69 funding will still be sufficient to reimburse for all sample collections and to provide funding to the crime labs for DNA analysis and processing.

IMPACT ON CURRENT SERVICES

This action will have a positive impact on the criminal justice system and will increase the number of DNA samples that are collected and analyzed. Significantly, this action would help the crime labs address a backlog of untested DNA evidence from unsolved crimes. With the additional resources to collect DNA samples and analyze DNA evidence from unsolved cases, the benefits and cost savings of this action should increase over time. The following factors support this conclusion:

- The collection of DNA samples for inclusion in DNA data banks provides substantial cost benefits to law enforcement investigators, prosecutors, victims and the falsely accused.
- Additional resources to analyze DNA evidence from unsolved cases can increase the number of crimes solved, help prevent new ones, and help exonerate innocent suspects.
- Solving a crime, and solving it quickly, has a direct effect on preventing additional crimes by the same perpetrator. An offender who is not apprehended in a timely manner remains free to commit more crimes.

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CONCLUSION

Upon approval, please return one approved copy to Mark Delgado, Executive Director, Countywide Criminal Justice Coordination Committee.

Respectfully submitted,



MARK DELGADO, Executive Director
Countywide Criminal Justice Coordination Committee

Enclosure (1)

c: Leroy Baca, Sheriff
Steve Cooley, District Attorney
William T Fujioka, Chief Executive Officer
Sachi Hamai, Board of Supervisors Executive Officer
Robert Taylor, Chief Probation Officer
J. Tyler McCauley, Auditor-Controller
Raymond G. Fortner, Jr., County Counsel
John Ruegg, Director, ISAB
Board of Supervisors Justice Deputies
Judy Hammond, CEO Public Information Officer

Proposition 69 Fund Utilization Proposal

Countywide Criminal Justice Coordination Committee

Background

The Los Angeles Superior Court collects the penalties imposed by Proposition 69 and deposits them into the County's DNA Identification Fund. The County Auditor-Controller monitors the collection activity that is reported from 25 branch locations of the Superior Court.

The County has established a *Local* DNA Identification Fund (*Local* Fund) that receives the collections that remain in the DNA Identification Fund after the required transfers to the State have been made. The amount in the *Local* Fund earns interest and is available to reimburse the eligible costs of local agencies.

Proposal

The Proposition 69 Implementation Task Force developed the proposal outlined below for the use of Proposition 69 funds in the County. The Countywide Criminal Justice Coordination Committee approved the proposal at its meeting of October 17, 2007 for submission to the Board of Supervisors:

1. Reimbursement for DNA Sample Collection

Law enforcement agencies and the Probation Department will continue to be reimbursed \$30 for each sample they collect.

Estimated Amount: \$1.3 - 1.8 million per year

2. Maintenance Fees for the DNA Offender Tracking System (DOTS)

ISAB will receive up to \$250,000 per year through the end of fiscal year 2008-09 to cover ISD maintenance fees for DOTS. Maintenance fees include costs for:

- Database server (hardware and software)
- Application server (hardware and software)
- EMC Centera storage for RAP Sheets (hardware and software)
- Programming and application support (personnel)

DOTS is used to track DNA sample collections by law enforcement and the Probation Department for reimbursement.

DOTS enhances the business process for collecting DNA samples from eligible offenders by allowing users to check the status of an offender's DNA sample online. DOTS searches its database and, if no record is found, makes an inquiry into CCHRS (Consolidated Criminal History Reporting System) using web services. The system retrieves the offender's RAP sheet from CCHRS and saves it as justification and documentation for DNA sample collection. The system also updates the offender's DNA status in CCHRS in real time. The

DOTS database includes all the records that had been previously entered into the PreDOTS system.

Amount: \$250,000 per year

3. Crime Lab Costs Associated with the Analysis of DNA Evidence

The remainder of the Proposition 69 funds will be divided equally between the Sheriff's Department and Los Angeles Police Department crime laboratories for costs associated with the analysis of DNA evidence. The Sheriff's crime lab provides services at no cost to all municipal police departments in Los Angeles County other than the LAPD.

Funds allocated to the crime labs may be utilized for expenses from the following categories:

Equipment

Funds may be utilized for the purchase of laboratory equipment and instrumentation to increase a lab's DNA analysis capacity. Such equipment includes:

- Genetic analyzers, which obtain DNA profiles and are capable of processing samples much faster than current models
- Real time PCR instruments, which allow the use of new technology to enable simultaneous quantitation of human and male DNA
- Automated robotic systems that allow for the automation of the DNA extraction steps, real time PCR setups, and analysis setups, allowing samples to be batched efficiently
- Computers, software, and CODIS servers that are needed to handle the increase in DNA uploads and DNA hit confirmations as a result of Proposition 69

Training

Funds may be utilized to cover the cost of external trainings for laboratory staff and attendance at related meetings and symposia. Examples include:

- Promega and Bode symposia
- American Academy of Forensic Sciences (AAFS) meeting
- National Combined Index System (CODIS) conference

This would enable DNA criminalists to receive ongoing education and training related to new equipment and technology.

Reagents and Supplies

Funds may be used for reagents and supplies to support the analysis of evidence from forensic DNA casework samples. Some examples of expendable supplies commonly used in the examination of DNA include:

- Identifiler kits
- Quantifiler kits

- Replacement capillaries for the 310's
- Various chemicals and reagents
- Gloves
- Glass syringes
- Gel block assemblies
- Septa
- Performance Optimized Polymer
- Gene Scan Rox 500
- Pipette tips
- Titer plates
- Biohazard bags
- Culture tubes

Contractual Services

Funds may be used to pay for contractual services related to the analysis of DNA evidence, including:

- Outsourcing contracts for DNA analysis lab services
- Service contracts for the calibration and maintenance of DNA instrumentation

DNA Evidence Storage

The increasing volume of DNA examinations has resulted in the need for more evidence storage capability. Funds may be used to pay for the proper storage of DNA evidence.

Personnel

Funds may be utilized for the hiring or overtime pay of laboratory staff directly engaged in the handling, screening, analysis, report writing/review, and/or CODIS entry of DNA evidence. This will help crime lab staff reduce the backlog of DNA samples that have not been analyzed.

Estimated Amount: \$2 - 2.5 million per year